


The Eighth Amendment imposes a duty on jail officials to "provide humane conditions of confinement; prison officials must ensure that inmates receive adequate food, clothing, shelter and medical care, and must take reasonable measures to guarantee the safety of the inmate." Hudson v. Palmer, 468 U.S. 517, 526-527 (1984).

The overcrowding of a jail, in and of itself, does not offend the Constitution. Rhodes v. Chapman, 452 U.S. 337, 345-347 (1981). However, overcrowding that results in conditions which produce "the deprivation of a single, identifiable human need such as food, warmth or exercise" is actionable. Wilson v. Seiter, 501 U.S. 294, 304 (1991).

In this case, the Plaintiff does not allege that his placement in an overcrowded cell for a two day period resulted in a serious deprivation of food, clothing, shelter or medical care. He simply suggests that he was very uncomfortable for this limited period of time. The Constitution does not mandate that our jails be comfortable. Rhodes, *supra* at 452 U.S. 349. Consequently, the Plaintiff has failed to allege a violation of constitutional proportion.

In the absence of a violation of federal law, Plaintiff is unable to prove every element of his cause of action. Therefore, he has failed to state a claim upon which § 1983 relief can be granted. *Sua sponte* dismissal of this action, therefore, would be warranted. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.


WILLIAM J. HAYNES, JR.
United States District Judge

4-7-09